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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,207	03/27/2001	Eliot M. Case	1812 (USW 0618 PUS)	2488

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EXAMINER

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ART UNIT PAPER NUMBER

2626

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/818,207	<b>Applicant(s)</b> CASE ET AL.	
	<b>Examiner</b> Brian L. Albertalli	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed February 17, 2006 have been fully considered but they are not persuasive.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

In this case, the Applicant has asserted that "it must be appreciated the approach recited by claim 1 involves several layers of abstraction", and "the invention is about more than matching words to audio files and playing a file sequence", and "according to the invention, text data is received, and processed in a sequence of specific actions with the final action being the generating of voice data". The Applicant has further asserted that Trader et al. do not meet these requirements because "Trader does not anticipate the digital voice and library playback rules in the combination recited by claim 1" and "Trader has significant shortcomings".

None of these assertions specifically point out how the language of the claims patentably distinguishes from the references.

Furthermore, the assertion that the method of claim 1 "involves several layers of abstraction" is irrelevant because the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The arguments appear to be attacking two specific limitations in claim 1. Namely, the *converting the sequence of text and pseudo words into a sequence of speech items in accordance with the digital voice library and converting the sequence of speech items into a sequence of voice recordings in accordance with a set of playback rules*.

Regarding the *converting the sequence of text and pseudo words* limitation, Trader et al. teach the parsed text (*sequence of text and pseudo words*) are compared and matched to an ad vocabulary table 64 (see Fig. 2 and column 4, lines 14-19). It should be noted here that the term “speech items” is not used in the detailed description of the specification. The only use of the term “speech items” occurs in the abstract and summary, which are generally reiterations of the wording in the claims. According to the summary of the invention, *speech items* “correspond” to the plurality of voice recordings in the playback database (see page 2, 1<sup>st</sup> paragraph of Applicant’s specification). It would appear, then, that the claimed “speech items” are nothing more than labels or identifiers for the plurality of voice recordings in the playback database. Equivalently, Trader et al. disclose the vocabulary table 64 “identifies the numbered audio files stored in the audiotex subsystem 24 that correspond to the words and phrases in the database” (column 4, lines 14-19). The comparison and matching of the input text (*sequence of text and pseudo words*) to entries in the vocabulary (*sequence of speech*

*items*) therefore creates a *sequence of speech items* (i.e. a sequence of vocabulary table entries), *in accordance with the digital voice library*, since the vocabulary list disclosed by Trader et al. identifies the stored audio files in the database. Trader et al., therefore, meet this limitation of claim 1.

Regarding the *converting the sequence of speech items into a sequence of voice recordings* limitation, Trader et al. disclose that subsequent to the comparison and matching of input text to the vocabulary table, a sequenced list of audio files is created (*converting the sequence of speech items into a sequence of voice recordings*, column 4, lines 19-25). Furthermore, Trader et al. disclose the sequenced list of audio files is created in accordance with a set of rules (*playback rules*) that make the ad sound more natural. Clearly, then, Trader et al. also meet this limitation.

2. Therefore, for the reasons given above, the rejections made in the previous Office Action are upheld.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Trader et al. (U.S. Patent 5,832,432).

In regard to claim 1, Trader et al. disclose a method for converting text (ad text) to concatenated voice (column 1, lines 58-60) by utilizing a digital voice library (hard drive with audio files, column 2, lines 50-52) and a set of playback rules (program that creates audio ads in a natural sounding way, column 3, lines 3-6), the digital voice library including a plurality of speech items and a corresponding plurality of voice recordings wherein each speech item corresponds to at least one available voice recording (file names and actual files of audio data, column 3, lines 14-17), the method comprising:

receiving text data (Fig. 2, step 38, column 3, lines 36-42);

expanding the text data to form a sequence of text and pseudo words (step 56, abbreviated version of text ad is expanded, column 4, lines 6-10);

converting the sequence of text and pseudo words into a sequence of speech items in accordance with the digital voice library (steps 60 and 62, the text is parsed by words and phrases according to words and phrases in the ad vocabulary, column 4, lines 10-19);

converting the sequence of speech items into a sequence of voice recordings in accordance with the set of playback rules (step 66, a sequenced list of audio files is created with a set of rules, column 4, lines 19-22);

generating voice data based on the sequence of voice recordings by concatenating adjacent recordings in the sequence of voice recordings (step 70, a successfully constructed audio ad is added to the audio ad database, column 4, lines 22-25 and column 1, lines 58-60);

wherein the plurality of speech items includes a plurality of phrases (phrases are matched in step 60, column 4, lines 10-19), and wherein converting the sequences of text and pseudo words further includes parsing the sequence of text and pseudo words to determine any phrases (the parsing process determines whether phrases in the ad are available in the audio store, column 4, lines 10-19).

In regard to claim 2, Trader et al. disclose expanding the text data further comprises:

searching the text data for an abbreviation (Fig. 2, step 56, abbreviations are compared to an abbreviation list to find the abbreviations in the ad, column 4, lines 6-10; see also Fig. 3b, step 106 and column 4, lines 60-62); and

expanding any abbreviation contained in the text data into at least one pseudo word (column 4, lines 6-10 and column 4, lines 60-62).

In regard to claim 3, Trader et al. disclose expanding the text data further comprises:

searching the text data for a numerical suffix (Fig. 3e, step 148, engine phrases are located, the engine phrase including the numerical suffix "L", see step 80m); and

expanding any numerical suffix contained in the text data into at least one pseudo word (the numerical suffix "L" is expanded to "litre engine", column 5, lines 26-30).

In regard to claim 4, Trader et al. disclose expanding the text data further comprises:

searching the text data for a telephone number (Fig. 3b, step 108, phone number patterns are found in the ad, column 4, lines 62-64); and

expanding any telephone number contained in the text data into at least one pseudo word (phone number information "555-1212" is expanded to "call Bob at 555-1212", see step 90c).

In regard to claim 5, Trader et al. disclose expanding the text data further comprises:

searching the text data for a number that includes a comma (Fig. 3c, step 126, "42,000" is located in the ad, column 5, lines 8-11); and

expanding any number that includes a comma contained in the text data into at least one pseudo word (number that includes a comma "42,000" is expanded to "42000", see step 90f).

In regard to claim 9, Trader et al. disclose the plurality of speech items includes a plurality of words, and wherein converting the sequence of text and pseudo words further comprises:

parsing the sequence of text and pseudo words to determine any words (parsing includes matching words in the ad vocabulary table, column 4, lines 10-19).



***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trader et al., in view of Holm et al. (U.S. Patent 5,850,629).

In regard to claim 6, Trader et al. do not disclose searching the text for an Internet mail address and expanding any Internet mail address contained in the text data into at least one pseudo word.

Holm et al. teach expanding abbreviations and acronyms (Fig. 10) as well as ways to handle e-mail addresses (column 14, lines 15-21).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Trader et al. to locate and expand email addresses (in, for example, the location of contact info step) in order to properly pronounce text containing abbreviations containing e-mail addresses and also detect sentence boundaries.

In regard to claim 7, Trader et al. do not disclose searching the text data for an Internet Universal Resource Locator and expanding any Internet Universal Resource Locator in the text data into at least one pseudo word.

Holm et al. teach expanding abbreviations and acronyms (Fig. 10) as well as ways to handle e-mail addresses. Similar to e-mail, web addresses in URL format also constitute special abbreviations containing special characters, such as HTML tags.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Trader et al. to locate and expand Internet Universal Resources Locators (in, for example, the location of contact info step), in order to properly pronounce text containing web addresses and other HTML related information.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trader et al., in view of Pearson et al. (U.S. Patent 6,114,939).

Trader et al. do not disclose parsing the sequence of text and pseudo words to determine any syllables.

Pearson et al. disclose a method for synthesizing speech using concatenation that parses a sequence of text and pseudo words to determine any syllables (Fig. 4a, step 76, column 6, lines 10-14).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Trader et al. to parse the sequence of text and pseudo words to determine any syllables so the vocabulary of the speech synthesizer would not be limited to only complete words that were stored in the audio database, as suggested by Pearson et al. (column 1, lines 14-25).

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L. Albertalli whose telephone number is (571) 272-7616. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BLA 4/20/06

  
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